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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,949

06/15/2006

Seigo Kawai

0670-7079

9737

31780

7590

01/27/2010

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EXAMINER

LOUIE, WAE LENNY

ART UNIT

PAPER NUMBER

3661

MAIL DATE

DELIVERY MODE

01/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,949	Applicant(s) KAWAI ET AL.	
	Examiner WAE LOUIE	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/15/06, 7/10/06, 9/21/06, 12/15/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cragun (6,356,812).

Regarding applicant claims 1 and 13, Cragun discloses a vehicle-mounted man-machine interface device comprising:

display unit adapted to display a screen; press position detection unit adapted to detect a press position on the screen (display unit 110, col.4, lines 1-10, “display may be a touch screen or integrated keyboard”);

a control unit adapted display on said display unit an operating system on which a plurality of operating figures are arranged for acquiring operation content specified by a press on the operating screen on the basis of arrangement positions of the operating figures, operations corresponding to the operating figures and an output from said press position detection unit (display unit 110, col.4, lines 1-10, “display may be a touch screen or integrated keyboard”); and

traveling detection unit adapted to detect whether or not a vehicle having the vehicle mounted man-machine interface device is traveling or for detecting a traveling speed of the vehicle (sensor interface 206, various external sensors

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includes different controllers 216, 218, 220, 222, 224, 226; col 5, lines 60-col. 6, lines 10, "detecting driver distraction"; col.9, lines 6-15, "information from the speedometer 222"),

Cragun is silent concerning **wherein said control unit has a part for setting or altering one or both of the number of operating figures simultaneously displayed on the operating screen and sizes of the operating figures on the basis of an output from said traveling detection unit.** Cragun does disclose the determination of the required driver attention RDA value (col.9, lines 64-67) in order to "adjusts the display allowance value in response to local ordinances" (col. 10, lines 7-55) and to "display processed at step the method 700 proceeds to step 720 where a query determines whether a RDA value is within a range indicative of a diversion of the driver illustratively" (col. 11, lines 1-40). It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the method and apparatus for displaying information in the vehicle based on the required driver attention value to complement the speed of the vehicle information of the claimed invention in order to alter the display as taught by Cragun since both methods are motivated to provide greater safety in displaying information by utilizing known external conditions.

Regarding applicant claim 2-12, Cragun discloses the device wherein **the operating screen displays an at the time of stopping on which a predetermined number of operating figures of predetermined sizes are arranged when the vehicle is not traveling and displays an operating screen at the time of traveling on which larger and fewer operating figures than the operating figures of the operating screen at the time of stopping are arranged when the vehicle is**

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traveling. Cragun discloses various scenarios when the engine is on, vehicle is stopped, vehicle is in motion all affects the RDA value (col. 8, lines 1-60) which in turn changes the display (col. 11, lines 1-45). It would have been obvious to use the RDA values of Cragun to change the display output since the RDA values are calculated with external factors including traveling speed of the vehicle in order to provide a safer environment for the driver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WAE LOUIE whose telephone number is (571)272-5195. The examiner can normally be reached on M-F 0700-1530.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/W. L./
Examiner, Art Unit 3661

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661